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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,625	08/10/2005	Georg Haberberger	2002P10212WOUS	7844

7590 06/14/2007  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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CASAREGOLA, LOUIS J

ART UNIT	PAPER NUMBER
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3746

MAIL DATE	DELIVERY MODE
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06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/519,625

Applicant(s)

HABERBERGER ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC 112***

Claims 5-11 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 5 and related dependent claims 6-11 recite "a firing device arranged downstream of the steam generator and upstream of the steam turbine" (claim 1, lines 4-5). As shown in Figure 1, however, the disclosed power plant has a three stage steam turbine with firing device 7 located between first and second turbine stages 11 and 13 rather than upstream of the whole steam turbine. The above cited claim language thus conflicts with the disclosed embodiment of the invention, and applicants have not properly and accurately claimed the subject matter they consider to be their invention.

Claim 8 recites that "an oxygen containing gas, or air, is fed to the firing device", and claim 9 further recites that "an oxygen containing gas, and air, is fed to the firing device". Since air however is an oxygen containing gas, there is no clear distinction between the two without the so-called oxygen containing gas being subject to some further qualifying limitation.

***Claim Rejections - 35 USC 102***

Claims 5, 7, 8 and 9 are rejected under 35 USC 102(b) as being anticipated by any of Miller, Kuhner, and Somers.

To the extent that the present claims are accurate, all features of the recited steam power plant are present in the plants disclosed by any of the Miller, Kuhner, and Somers patents. Attention is called, for example, to the power plant in Miller's Figure 3; note first turbine stage 45, second turbine stage 46, steam generator 53, and combustion chamber (firing device) 56 between the first and second turbine stages.

Attention is further called to power plant in Kuhner's drawing figure; note first turbine stage 12, second turbine stage 25, steam generator 11, and combustion chamber 30 between the turbine stages.

Attention is additionally called to power plant in Somer's drawing figure; note first turbine stage 11, second turbine stage 12, steam generator 20, and combustion chamber 8 between the turbine stages.

Claim 6 is rejected under 35 USC 102(b) as being anticipated by Miller.

It is pointed out that the fuel burned in Miller's combustion chamber 56 is methane (col. 10, lines 21-23).

Claim 10 is rejected under 35 USC 102(b) as being anticipated by Somers.

It is additionally pointed out that the oxidizer burned in Somer's combustion chamber 8 is oxygen (col. 2, lines 40-41).

Claim 11 is rejected under 35 USC 102(b) as being anticipated by Kuhner.

Attention is called to Kuhner's condenser 15, which operates in conjunction with element 38 to remove combustion product from condensed steam (col. 4, lines 20-22)



L. J. Casaregola  
571-272-4826 (M-F; 7:30-4:00)  
571-273-8300 FAX  
June 11, 2007

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Anthony Stashick, can be reached at 571-272-4561.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).